

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 09-132
Final DTV Table of Allotments,)	RM-11550
Television Broadcast Stations.)	
(Fort Worth, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: September 10, 2009

Released: September 11, 2009

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by CBS Stations Group of Texas, L.P. (“CBS Stations Group”) and Television Station KTXA, L.P. (“KTXA L.P.”) (collectively, “Joint Petitioners”), the respective licensees of co-owned Fort Worth, Texas stations KTVT(TV), channel 11, and KTXA(TV), channel 19. Joint Petitioners request the substitution of channel 19 for KTVT(TV)’s assigned channel 11 at Fort Worth and the substitution of channel 29 for KTXA(TV)’s assigned channel 19 at Fort Worth.² Joint Petitioners filed comments reaffirming their interest in the proposed channel substitutions. No other comments were received.

2. We believe the public interest would be served by substituting at Fort Worth channel 19 for KTVT(TV)’s assigned channel 11 and channel 29 for KTXA(TV)’s assigned channel 19. Joint Petitioners assert that since June 12, 2009, when KTVT(TV) (CBS) began digital operations on its post-transition channel 11, “the station has received thousands of complaints from viewers unable to receive its signal,”³ and KTVT(TV)’s over-the-air ratings have dropped 57 percent.⁴ Furthermore, Joint Petitioners claim that KTVT(TV) is unable to increase its power as a means to alleviate reception difficulties because such an increase would cause prohibited interference to adjacent-channel station KXII(TV) at Sherman, Texas.⁵ Additionally, KTVT(TV) has found that instructing viewers to rescan their digital converter boxes or digital television sets has not “proved helpful to a significant number of viewers who have reported

¹ *Fort Worth Texas*, DA 09-1595 (released July 24, 2009).

² As an interim measure, the Commission granted CBS Stations Group’s request for special temporary authority for KTVT(TV) to operate on post-transition digital channel 11, while simultaneously operating on channel 19, its pre-transition digital channel. *See* FCC File No. BDSTA-20090716ADK (granted July 23, 2009). In addition, the Commission granted KTXA L.P.’s request for special temporary authority to discontinue operation on digital post-transition channel 19 and instead temporarily operate on channel 18 as its post-transition digital channel. *See* FCC File No. BDSTA-20090716ADJ (granted July 23, 2009).

³ *Joint Petition for Rulemaking* at 2.

⁴ *Id.* at 6.

⁵ *Id.* at 2

difficulties receiving KTVT(TV)'s signal."⁶ Joint Petitioners maintain that these channel substitutions will not only cure KTVT(TV)'s service problems, but will also increase both stations' predicted service populations.⁷

3. Channels 19 and 29 can be substituted for channels 11 and 19, respectively, at Fort Worth, Texas, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules,⁸ both at coordinates 32-34-43 N. and 96-57-12 W. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules with the following specifications:⁹

City and State	Call Sign	Channel	Power (kW)	Antenna (meters)	Service Pop. (thous.)
Fort Worth, Texas	KTVT(TV)	19	1000	500	5,592
Fort Worth, Texas	KTXA(TV)	29	1000	520	5,572

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedures Act.¹⁰ An expedited effective date is necessary in this case to ensure that station KTVT(TV) can restore service to its viewers as quickly as possible.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective immediately upon the date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Fort Worth, Texas	9, 19, 29, 41

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, CBS Stations Group of Texas, L.P. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 19 in lieu of channel 11 at Fort Worth, and Television Station KTXA, L.P. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 29 in lieu 19 at Fort Worth.

7. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

⁶ *Id.*

⁷ *Joint Petition for Rulemaking* at 7.

⁸ 47 C.F.R. § 73.625(a).

⁹ 47 C.F.R. §§ 73.616 and 73.623.

¹⁰ 5 U.S.C. § 553(d)(3).

9. For further information concerning the proceeding listed above, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
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